



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

By ECF and Fax

The Honorable Nelson S. Román  
United States District Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

December 12, 2019

Re: Marhone v. Cassel, 16-Civ-4733 (NSR)(LMS)(pro se)

Dear Judge Román:

This office represents Superintendent Joseph Smith, the remaining defendant in this pro se prison conditions matter. Defendant respectfully requests an adjournment of the status conference currently scheduled for December 18, 2019. At the conference on November 21, 2019, Judge Smith determined to keep discovery open until a conference now scheduled for January 30, 2020, to give defendants an opportunity to take depositions of two inmate witnesses identified by plaintiff and also to respond to plaintiff's additional discovery request. Defendant requests that the December 18 conference be rescheduled for a date following Judge Smith's January 30, 2020, conference. The Court has previously adjourned the conference *sua sponte* by order dated May 6, 2019, and following defendant's four prior requests due to the continuation of discovery by orders dated June 17, September 6, October 16, and October 30, 2019. Plaintiff's consent has not been sought because of the difficulty in prompt communication with pro se prison inmates.

Respectfully submitted,

  
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Assistant Attorney General  
(212) 416-8654

cc: Conrad Marhone (by Mail)  
02-A-2625  
Eastern Correctional Facility  
Box 338  
Napanoch, NY 12458-0338

The Hon. Lisa M. Smith, USMJ (by ECF)

Due to an extension of the discovery deadline, the Status Conf. is adjourned from Dec. 18, 2019 until Mar. 6, 2020 at 11:30 am. Deft's counsel shall appear in person and make arrangements for Pltf. to appear via telephone. Clerk of the Court directed to mail a copy of this endorsement to pro se Pltf., show proof of service on the docket and terminate the motion (doc. 87).

Dated: Dec. 13, 2019

SO ORDERED.

  
Nelson S. Roman, U.S.D.J.

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